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09/526,910	03/16/2000	Hoyt A. Fleming, III	108298610US	1414

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EXAMINER

AL HASHEMI, SANA A

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/526,910

**Applicant(s)**

FLEMING, III ET AL.

**Examiner**

Sana Al-Hashemi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 52-73, 75 and 76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 52-73, and 75-76 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This is in response to application filed July 26, 2004 on in which Claims 52-73, and 75-76, are presented for examination.
2. Claim Status: 52-73, and 75-76 are rejected, claim 74 is canceled.
3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/2/2003 has been entered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 52-73, and 75-76 are rejected under 35 U.S. C. 102(e) as being anticipated by Abecassis (US Patent No. 6,289,165).

Regarding Claim 52, Abecassis discloses a method of controlling reproduction of an audiovisual work comprising:

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receiving rating input comprising a selection of one of a plurality of ratings choices (Fig. 5B, 510, column 16, lines 47-50, Abecassis);

reviewing an audiovisual work on a first storage medium to determine if the first storage medium includes a rated version of the audiovisual work (column 16, lines 54-58, Abecassis<sup>1</sup>) which bears a predetermined relationship to the rating input (column 16, lines 58-61, Abecassis); and

if the first storage medium includes the rated version, playing the rated version (column 15, lines 50-60, Abecassis<sup>2</sup>); or

if the first storage medium does not include the rated version:

accessing a database stored on a second storage medium, the database containing, for each of the plurality of ratings choices, a secondary database comprising information identifying at least a portion of a scene of the work having an assigned content ratings level which bears a predetermined relationship to the ratings choice; and

reproducing scenes of the work in accordance with the information in the secondary database corresponding to the rating input.

Regarding Claim 53, Abecassis discloses a method wherein the act of accessing includes reading the database from the second storage medium (column 5, lines 29-37, Abecassis<sup>3</sup>).

Regarding Claim 54, Abecassis discloses a method wherein the second storage medium comprises a storage medium of a server and the act of accessing comprises establishing a connection to the server (column 12, lines 32-46, Abecassis) and downloading the secondary

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<sup>1</sup> Examiner interprets the Motion Picture Association of America corresponds to the first rated version claimed.

<sup>2</sup> Examiner will address one of the limitation (which is the broader), since they are in alternative form "or", where the limitations are the opposite of each other and if the cited are discloses one of them the requirement are met.

<sup>3</sup> Examiner interprets the programming preferences as a database.

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database corresponding to the rating input into a controller which controls reproduction of the work , the controller using the information in the downloaded secondary database to control reproduction of the work (column 17, lines 7-20, Abecassis).

Regarding Claim 55, Abecassis discloses a method wherein the act of accessing includes establishing a connection to an Internet server, whereby the connection is an Internet connection (column 6, lines 58-65, Abecassis).

Regarding Claim 56, Abecassis discloses a method wherein the act of accessing includes establishing a dial-up connection (column 6, lines 58-65, Abecassis).

Regarding Claim 57, Abecassis discloses a method wherein the act of accessing includes accessing a database containing data indicating which scenes of the work are to be reproduced (column 14, lines 54-61, Abecassis).

Regarding Claim 58, Abecassis discloses a method wherein the act of accessing includes accessing a database containing data indicating which scenes of the work are not to be reproduced (column 14, lines 54-61, Abecassis).

Regarding Claim 59, Abecassis discloses a method wherein receiving the rating input comprises receiving a screener's content ratings level (column 16, lines 40-46, Abecassis).

Regarding Claim 60, Abecassis discloses a method wherein the act of accessing includes accessing a database containing information identifying those scenes having a content ratings level which is less than or equal to the screener's content ratings level (column 15, lines 46-60, Abecassis).

Regarding Claim 61, Abecassis discloses a method wherein the act of accessing includes accessing a database containing information identifying those scenes having a content ratings

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level which is greater than the screener's content ratings level (column 15, lines 46-60, Abecassis).

Regarding Claim 62, Abecassis discloses a method wherein receiving the rating input comprises receiving a content ratings level from a screener (column 15, lines 46-60, Abecassis).

Regarding Claim 63, Abecassis discloses a method of controlling reproduction of an audiovisual work on a playback apparatus including a controller, comprising:

providing to the playback apparatus an audiovisual work prerecorded by a source on a first storage medium (columns 9, and 10, lines 66-67, and 1-10, respectively Abecassis);

establishing a connection to a server containing a database that is stored on a server storage medium that is different from the first storage medium (column 12, lines 32-46, Abecassis), the database containing, for each of a plurality of ratings choices, a secondary database comprising information identifying a relationship between at least a portion of a scene of the work and the ratings choice (column 12, lines 23-31, Abecassis), with each ratings choice having a content ratings level assigned by a screener who is a party other than the source (Fig. 7D, 741, Abecassis<sup>4</sup>),

receiving ratings input specifying a ratings choice, downloading into the controller of the playback apparatus the secondary database associated with the ratings choice specified in the ratings input (Fig. 7E, 753, column 26, lines 30-41, Abecassis); and

reproducing scenes of the work with playback apparatus, the controller using the information in the downloaded secondary database to control reproduction of the work (Fig. 7F, 761, and 762, column 26, lines 42-51, Abecassis).

Regarding Claim 64, Abecassis discloses a method wherein the server is an Internet server and the act of establishing a connection comprises establishing an Internet connection (column 6, lines 58-65, Abecassis).

Regarding Claim 65, Abecassis discloses a method wherein the act of downloading the secondary database comprises downloading a database containing information identifying those scenes having a content ratings level which is less than or equal to a playback content ratings level (column 15, lines 46-60, Abecassis).

Regarding Claim 66, Abecassis discloses a method wherein the act of downloading the secondary database comprises downloading a database containing information identifying those scenes having a content ratings level which is greater than a playback content ratings level (column 15, lines 46-60, Abecassis).

Regarding Claim 67, Abecassis discloses a method wherein the act of downloading the secondary database comprises downloading a database containing data indicating which scenes of the work are to be reproduced (column 14, lines 54-61, Abecassis).

Regarding Claim 68, Abecassis discloses a method wherein the act of downloading the secondary database comprises downloading a database containing data indicating which scenes of the work are not to be reproduced (column 14, lines 54-61, Abecassis).

Regarding Claim 69, Abecassis discloses a method wherein receiving the ratings input comprises receiving the ratings level input from a viewer (column 8, lines 3-8, Abecassis).

Regarding Claim 70, Abecassis discloses a method wherein the act of downloading the secondary database comprises downloading a database containing information identifying those

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<sup>4</sup> Fig. 7D allows the user to change the rating for each scene, which corresponds to “screener who is a party other

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scenes having a content ratings level which is less than or equal to the playback content ratings level (column 15, lines 46-60, Abecassis).

Regarding Claim 71, Abecassis discloses a method wherein the act of downloading the secondary database comprises downloading a database containing information identifying those scenes having a content ratings level which is greater than the playback content ratings level (column 15, lines 46-60, Abecassis).

Regarding Claim 72, Abecassis discloses a method wherein the viewer is the screener (column 8, lines 3-8, Abecassis).

Regarding Claim 73, Abecassis discloses an apparatus for controlling reproduction of an audiovisual work, the apparatus comprising:

an audiovisual reproduction unit adapted to read from a prerecorded audiovisual medium an audiovisual work prerecorded by a source on the prerecorded audiovisual medium (Fig. 4, 461, 462, 471, and 451, Abecassis);

a ratings input adapted to receive information assigning an assigned content ratings level to at least a portion of the audiovisual work and to receive a playback content ratings level input by a viewer (column 26, lines 56-61, Abecassis);

a connection to a server storage medium that is separate from the prerecorded audiovisual medium (Fig. 4, 471, Abecassis), the server storage medium including a database (column 21, lines 3-19, Abecassis); and

a controller coupled to the audiovisual reproduction unit (Fig. 2, 200, Abecassis), the viewer input (Fig. 2, 202, and 203, Abecassis) and the connection to the server (column 12, lines

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than the source.”



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32-38, Abecassis), the controller being programmed to a) store the assigned content ratings level in the database via the connection to the server storage medium (column 6, lines 49-57, Abecassis) and b) control the audiovisual reproduction unit to reproduce only the portions of the audiovisual work which have an assigned content ratings level which bears a predetermined relationship to the playback content ratings level (column 17, lines 21-32, Abecassis).

Regarding Claim 75, Abecassis discloses an apparatus wherein the server storage medium is on an Internet server and the connection to the server storage medium comprises an Internet connection (column 6, lines 58-65, Abecassis).

Regarding Claim 76, Abecassis discloses an apparatus wherein the database contains ratings level information for all scenes of the work (column 28, lines 43-53, Abecassis).

### ***Claim Rejection – Prior Art***

5. Applicant's arguments filed July 26, 2004 have been fully considered but they are not persuasive.

Applicant argues that regarding claims 52-62, Abecassis does not disclose a claimed subject matter.

Examiner disagrees. Refereeing to column 16, Abecassis does disclose the claimed limitation.

Applicant argues that Abecassis does not disclose a secondary database.

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Examiner disagrees. Refereeing to column 13, lines 23-30, Abecassis discloses a Multimedia Player's RAM which corresponds to the secondary database.

Applicant argues regarding claims 63-72, Abecassis does not disclose the claimed limitation "providing to the playback apparatus an audiovisual work prerecorded by a source on a first storage medium", "The second clause of claim 63 calls for, among other things, establishing a connection a database that contains, for each of a plurality of ratings choices, a secondary database comprising information identifying a relationship between at least a portion of a scene of the work and the ratings choice. Each rating choice has a content ratings level assigned by a screener who is a party other than the source.

Examiner disagrees. Refereeing to Fig. 2, column 11, lines 34-41, Abecassis discloses the step of providing a playback apparatus to reproduce scenes of the work within the playback apparatus, and refereeing to Fig. 5B-E, Abecassis clearly discloses the plurality of rating choice which identify the relation between portion of a scene and the rating choice.

Applicant argues regarding claim 73, Abecassis fail to teach the apparatus for controlling reproduction of a work that includes, a ratings input adapted to receive a) information assigning an assigned content ratings level to a portion of the work, and b) a playback content ratings level input by the viewer.


Examiner disagrees. Abecassis discloses in Fig. 6E the step of allowing user to change the content rating level to a cretin segments and a providing user replay with the assigned rating specified by a viewer.

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***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is (571) 272-0413. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-0423. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 746-7416. For formal or draft communications, please label "PROPOSED" or "DRAFT". Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6<sup>th</sup> Floor Receptionist, Arlington, Virginia. 22202.

Sana Al-Hashemi  
Patent Examiner  
Technology Center 2100  
November 3, 2004



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